

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANK FAHY,

Plaintiff,

v.

ORPHEOS TARBOX ET AL.,

Defendants.

No. C-09-01420 MMC (DMR)

**ORDER DENYING PLAINTIFF'S
MOTION FOR AN ORDER
SHORTENING TIME AND DENYING
MOTION FOR SANCTIONS**

The Court is in receipt of *pro se* Plaintiff Frank Fahy's motion for sanctions against Defendant City and County of San Francisco and accompanying Motion for an Order Shortening Time on the motion. *See* Docket Nos. 177 & 180.

Upon review of Plaintiff's Motion for Sanctions, it appears that Plaintiff seeks sanctions against Defendant City and County of San Francisco for behavior in connection with the deposition of another party, *pro se* Defendant Alec Steiner, but is not seeking an order compelling Defendant Steiner to appear for deposition. As Plaintiff does not seek Defendant Steiner's compliance with the discovery that is the underlying subject of Plaintiff's sanctions motion, the motion does not comply with Local Rule 37-4, which provides that a motion for sanctions in connection with a discovery dispute must be accompanied by a declaration which "[d]escribe[s] in detail the effort made by the moving party to secure compliance" without Court intervention. Plaintiff's motion is also untimely

1 pursuant to Local Rule 7-8(c), which provides that a motion for sanctions “must be made as soon as
2 practicable after the filing party learns of the circumstances that it alleges make the motion
3 appropriate,” given that the behavior at issue took place in or around November 2010.

4 Regarding the merits of the motion, a reasonable reading of Plaintiff’s allegations leads the
5 Court to conclude that the alleged conduct by Defendant City and County of San Francisco does not
6 appear to be sanctionable behavior. Accordingly, Plaintiff’s motion is DENIED.

7 IT IS SO ORDERED.

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9 Dated: April 22, 2011

